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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 ANGELO QUINTIN DOWNEY, 2:04-cv-1725-GEB-CMK-P

12 Plaintiff,

13 vs.

ORDER

14 K. PROSPER,

15 Defendant.
16 _____/

17 Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant
18 to 42 U.S.-PC. § 1983. The matter was referred to a United States Magistrate Judge pursuant to
19 Local Rule 72-302(c)(21).

20 On April 10, 2006, the magistrate judge filed findings and recommendations
21 herein which were served on petitioner and which contained notice to plaintiff that any
22 objections to the findings and recommendations were to be filed within ten days. Plaintiff has
23 filed objections to the findings and recommendations.

24 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-
25 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire
26 file, the court finds the findings and recommendations to be supported by the record and by

1 proper analysis.

2 Accordingly, IT IS HEREBY ORDERED that:

3 1. The findings and recommendations filed April 10, 2006, are adopted in
4 full;

5 2. Defendant's motion to dismiss is granted;

6 3. This action is dismissed, without prejudice; and

7 4. The Clerk of the Court is directed to enter judgment and close this file.

8 Dated: May 23, 2006

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10 /s/ Garland E. Burrell, Jr.
11 GARLAND E. BURRELL, JR.
12 United States District Judge
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